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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,156	04/12/2001	Jerome Chen	4701P003	3580
826	7590	11/22/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			MOONEYHAM, JANICE A	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/834,156

Applicant(s)

CHEN ET AL

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-14,16-25 and 28-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-14, 16-25, and 28-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This is in response to the applicant's communication filed on August 24, 2005, wherein;

Claims 1-2, 5-14, 16-25, 28-43 are currently pending;

Claims 3-4, 15, and 26-27 have been cancelled;

Claims 1, 5-6, 12, 14, 17, 24, and 28 have been amended;

Claims 35-43 are newly added.

#### ***Claim Rejections - 35 USC § 101***

2. The rejection of claims 1-11 under 35 U.S.C. 101 is withdrawn.

#### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 reads the method of claim 3. However, claim 3 has been cancelled.

Claim 6 reads on claim 5 and claim 7 reads on claim 6.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claims 1-2, 5-8, 12-14, 16-17, 24-25, 28-31 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake et al (US 5,832,451) (hereinafter referred to as Flake).

Referring to Claims 1, 5, 24, 28 and 41:

Flake discloses a method and machine readable medium having stored instructions for making travel related bookings, comprising:

providing access to a plurality of computer reservation systems (CRSs) (Figure 1 (14))for a client initiating a travel booking request, (col. 3, lines 16-34 (Apollo, Sabre, Worldspan and Amadeus; and

allowing the client to book at least one travel item segment from any one of the accessible CRSs (Figure 8 (196 Book Air Activity, 200 Book Rail Activity, 204 Book Car Activity, 208 Book Hotel Activity, 212 Book Special Needs Activity), col. 20, lines 16-19);

generating and storing a travel itinerary booking record including information associated with at least one booked travel segment (PNR col. 8, lines 49-57; col. 9, lines 57-62; and col. 11, lines 31-38);

wherein at least one of the providing, allowing, and generating steps is performed by a data processing system (col. 3, lines 16-34; col. 5, lines 1-12)

Flake does not disclose that the information generated in the travel booking record includes information identifying each CRS for a respective booked travel item segment.

However, this data is determined to be non-functional descriptive data not related to the steps of the method. The method steps would be performed the same regardless

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of what type data is on the record since the data not functionally interrelated with the steps of the method and thus will not distinguish the claimed invention from the prior art in terms of patentability. - see *In re Gulack*, 703 F.2d 1381, 1385, 217 SUPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

Furthermore, the Examiner takes Official Notice that it is old and well known to document and record information associated with travel items so as to have the information available if the information is needed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel management method of Flake a passenger travel record which includes the CRS for a booked travel segment so that all of the necessary information is in the one record and since the business practice of documenting travel arrangements in the PRN and keeping this information updated is designed to help the travel industry as well as the traveler by being able to access this information is needed.

Referring to Claim 2, 25 and 42:

Flake discloses a method and medium wherein a travel item segment is one of an air segment, a car segment, or hotel segment (col. 9, lines 34-37, Figure 7 (150-164), Fig. 8 (196 Book Air Activity, 200 Book Rail Activity, 204 Book Car Activity, 208 Book Hotel Activity)).

Referring to Claims 8 and 31:

Flake discloses a method and medium wherein providing access to the plurality of computer reservation systems includes:

reading a predefined selection of the plurality of CRSs to be accessed during the travel booking request (col. 3, line 59 thru col. 4, line 3 (vendor preferences) ( a list of preferred vendors (e.g. airlines)); and

accessing the selected plurality of CRSs to check the availability of travel items at the CRSs for the travel booking request (col. 10, lines 54-63, Fig. 9 Block 240).

Referring to Claim 12:

Flake discloses a travel management system (TMS) for making travel related bookings, the TMS comprising:

a server to provide access to a plurality of CRSs for a client, (Figure 1 (14); and  
a booking engine to allow the client to book at least book a travel item segment (Figure 1 (10), col. 5, lines 3-6 (process and display all available customer reservation information.), wherein the booking engine generates a passenger name record (PNR col. 8, lines 49-57; col. 9, lines 57-62; and col. 11, lines 31-38).

The type data stored in the PNR is determined to be non-functional descriptive data. The system would be performed the same regardless of what type data is on the record since the data not functionally interrelated with the structure and thus will not distinguish the claimed invention from the prior art in terms of patentability. - see *In re Gulack*, 703 F.2d 1381, 1385, 217 SUPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

Referring to Claim 13:

Flake discloses a system wherein a travel item segment is one of an air segment, a car segment, or a hotel segment (Figure 7 150-164), col. 9, lines 34-37).

Referring to Claim 14:

Flake discloses a system further comprising a database *to store a super passenger name record (PNR) including the at least one booked travel item segment, the super PNR storing a CRS designation for each booked travel segment* (Figure 1 (18, 20), col. 3, line 55 thru col. 4, line 3). The italicized language is directed to intended use of the system and to non-functional descriptive data as to the information content being stored in the database and does not result in a structural or functional difference with respect to prior art. See *in re Schreiber*, 44 USPQ 2d 1429 (CAFC 1997) and *In re Gulack*, 703 F.2d. 1381, 1385, 217 SUPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994) The database in Flake is fully capable of storing all of this data.

Referring to Claims 6, 16 and 29:

A method and system further comprising a client interface *to cause the display of the super PNR to the client* (Fig. 2 (30) (workstation, col. 5, lines 3-6, col. 10, lines 1-13, Fig. 8 (186)). Once again the italicized language is directed to the intended use of the interface and the information content being displayed which does not result in a structural or functional difference with respect to the prior art. The workstation in Flake is fully capable of displaying this information.

Referring to Claims 7, 17 and 30:

Flake discloses a method and system wherein the client interface (workstation (30)) allows the client to modify the PNR (col. 6, lines 23-27 – updating customer information in the business entity or individual profiles, Fig. 13 (414), Fig. 15 (478-482)).

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5. Claims 9-11, 18-23, 32-40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake in view of Jafri et al (US 5,832,454) (hereinafter referred to as Jafri).

Referring to Claims 9 and 32:

Flake does not explicitly disclose wherein the predefined selection of the plurality of CRSs includes a default.

However, Jafri discloses a method and medium wherein the predefined selection of the plurality of CRSs includes a default CRS (Business) or a primary CRS (Best Fares) and at least one secondary CRS (Fig. 4C Best Best Fare (S447) Fare Fight Selection (S449) Business, Coach or First Class Fight Selection (S451), col. 7, lines 44-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel management method of Flake the default as taught in Jafri because when default values are already filled in issuance is simplified.

Referring to Claims 10 and 33:

Jafri disclose a method wherein allowing the client to book at least one travel item segment includes:

displaying available travel items (itineraries) accessed from the selected plurality of CRSs for the travel booking request (col. 2, lines 54-56, col. 3, lines 26-29) ;

allowing the client to select a desired travel item (col. 2, lines 55-57 displays the priced itineraries for selection by the user, col. 3, lines 29-32); and



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for each selected travel item, booking the selected travel item with the respective CRS (col. 2, lines 61-66, col. 3, lines 29-30 - issues tickets implies booking; also col. 5, lines 54-57).

Referring to Claims 11 and 34:

Jafir does not disclose method and medium wherein only lowest cost travel item accessed from the selected plurality of CRSs is displayed.

However, Jafri discloses that while the selection process performed within the node does not guarantee the absolute lowest fare, the selection process gives reasonably low fares satisfying the most common user preferences (col. 5, lines 61-64)

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the disclosure of Jafri since common sense and good business practice dictate that many travelers cannot tolerate considerable inconvenience at the expense of saving money if there are inconvenient flight times or a large number of connecting flights in order to get the absolute best possible price.

Referring to Claim 18:

Flake does not disclose the system further comprising a terminal access editor to define a selection of a plurality of computer reservation systems for the client to be stored in a database and accessed during the travel booking request for the client.

However, Jafri discloses the system further comprising a terminal access editor (Server files col. 3, line 65 thru col. 4, line 5 The Server files include Client Servicing files, in particular files relating to assignment of Terminal Addresses (TA) used to access the CRS) *The language to define a selection of a plurality of computer*

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*reservation systems for the client to be stored in a database and accessed during the travel booking request for the client* is directed to the intended use of the editor and the server is fully capable of performing this function).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the disclosure of Flake the teachings of Jafri so that flights are selected in accordance with user preferences as stored in the reservation software.

Referring to claim 19:

Flake further discloses a system wherein the booking engine (Figure 1 (10)):

reads the database to determine the selected plurality of CRSs to be accessed during the travel booking request (vendor preferences (airlines), col. 3, line 59 thru col. 4, line 3); and

accesses the selected plurality of CRSs to check the availability of travel items at the CRSs for the travel booking request (col. 10, lines 54-63, Figure 9 Block 240).

Referring to Claim 20:

Flake does not disclose a system wherein the selection of the plurality of CRSs includes a default CRS or a primary CRS and at least one secondary CRS.

However, Jafri discloses wherein the selection of the plurality of CRSs includes a default CRS (Business, Coach or First Class Flight Selection) a primary CRS (Best Fare (S447)) and at least one secondary CRS (Figure 4c-4d, col. 5, lines 2-10)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the disclosure of Flake the teachings of Jafri since this provides more options for the user to choose from if the actual users preference is

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unavailable while allowing the system to pursue other options in accordance with the users preference, eg. a user having specified best fare allows system to explore seats available in coach class or special fares lower in cost than standard seats in that class..

Referring to Claim 21:

Flake discloses a system further comprising a client interface (Fig. 1 (30) *to display available travel items accessed from the selected plurality of CRSs for the travel booking request at the client; and allow the client to select the desired travel item.*

The italicized language is directed to the intended use of the interface. The interface (workstation (30) in Flake is fully capable of displaying this type information since the workstation displays all available customer reservation service information (col. 5, lines 3-6)

Referring to Claim 22:

Flake discloses a system wherein for each selected travel item, the booking engine books Figure 1 (10) the selected item with the respective CRS (col. 5, lines 3-6 – system 10 can receive, store, process, and display all available customer reservation service information, Figure 9(244)).

Referring to Claim 23:

The limitation that only the lowest cost travel item accessed is displayed is considered non-functional descriptive data that is not functionally interrelated with the structure of the system and thus will not distinguish the claimed invention from the prior art in terms of patentability. - see *In re Gulack*, 703 F.2d. 1381, 1385, 217 SUPQ 401,

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*404 (Fed. Cir. 1983); In re Lowry, 32 f.3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994)* The interface in Flake is fully capable of displaying all types of information.

Referring to Claims 35, 37 and 39:

The type of information associated with each CRS for a respective booked travel item segment is determined to be non-functional descriptive data not related to the steps of the method or the structure of the system. The method steps and system would be the same regardless of what type data since the data is not functionally interrelated with the steps of the method or the structure of the system and thus will not distinguish the claimed invention from the prior art in terms of patentability. - see *In re Gulack, 703 F.2d 1381, 1385, 217 SUPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 f.3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994)*.

Referring to Claims 36, 38, 40 and 43:

Jafri discloses wherein the CRSs include global distributions systems and direct connect CRS (Figure 2).

### ***Response to Arguments***

Applicant's arguments filed August 24, 2005 have been fully considered but they are not persuasive.

The Examiner has tried to address the applicant's arguments in the body of the claim rejection. Applicant is referred to the discussion in the rejections.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

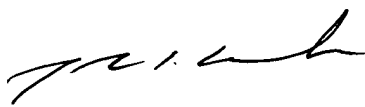
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM



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